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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,969	10/10/2003	Ramachendra P. Batni	LUC-440/Batni 2-1-4-1-3	3295
32205 7590 05/02/2007 CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			EXAMINER TIEU, BENNY QUOC	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/683,969

Applicant(s)

BATNI ET AL.

Examiner

Benny Q. Tieu

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-21 and 23-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-21 and 23-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on March 13, 2007 has been entered. Claims 1, 3, 4, 7, 8, 10, 11, 13, 19, 20, 23-26, 37, 40-42 have been amended. Claims 2 and 22 have been canceled. No claims have been added. Claims 1, 3-21, and 23-43 are still pending in this application, with claims 1, 20, 25, 26, 37, and 40 being independent.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 3-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "one or more of the one or more intelligent network platforms" is being indefinite because if there is only one intelligent network platform, then "more of one intelligent network platform" is inappropriate. Examiner suggests Applicant to amend "one or more intelligent network platforms" to --a plurality of intelligent network platforms--.

### ***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 3-21, and 23-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (U.S. Patent Application Publication No. 2004/0120494) in view of Dammrose et al. (U.S. Patent No. 6,922,468).

Regarding claims 1, 20, 25-27, 37, and 40, Jiang et al. teach an apparatus and a method, comprising: one or more intelligent network platforms that serve to provide feedback to be played to a calling communication device during a call from the calling communication device for a called communication device (see [0024]); wherein one or more of the one or more intelligent network platforms allow a user of the called communication device to preselect one or more portions of the feedback (see [0027]); wherein one or more of the one or more intelligent network platforms employ signaling to connect the call from the calling communication device to an intelligent network platform of the one or more intelligent network platforms (see [0034]).

Jiang et al. fail to teach the intelligent network platforms including the first call leg and second call leg to establish the connection between the calling communication device and the called communication device. However, Dammorose et al. teach this feature (Fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the intelligent network platforms (service node) that includes first and second call leg to establish the connection between the calling and called communication device as taught by Dammorose et al. in order to reduce the total number of legs, or switches involved in terminating the call as suggested by Dammorose et al. (column 6, lines 61-64).

Regarding claims 13 and 41 Jiang et al. further teach the apparatus and method wherein the call comprises a first call leg and a second call leg, wherein the one or more of the one or more intelligent network platforms that employ signaling to connect the call between the calling communication device and the called communication device employ signaling to connect the first call leg from the calling communication device to the intelligent network platform; wherein the one or more of the one or more intelligent network platforms that employ signaling to connect the call between the calling communication device and the called communication device employ signaling to connect the second call leg from the intelligent network platform to the called communication device (see [0038]).

Regarding claims 3 and 18, Jiang et al. further teach the apparatus and method wherein the intelligent network platform connects a call bridge between the first call leg and the second call leg to connect the calling communication device with the called communication device (Fig. 2, 240).

Regarding claims 4, 42, and 43, Jiang et al. further teach the apparatus and method wherein upon detection of a need to bridge the first and second call legs, one or more of the one or more intelligent network platforms employ a call drop-back command to direct one or more switching centers that support the first and second call legs (see [0067] & [0068]).

Regarding claim 5, Jiang et al. further teach the apparatus wherein the one or more portions of the feedback comprise a ringback tone preselected by the user of the called communication device; wherein the intelligent network platform plays the ringback tone to the calling communication device (see [0018]).

Regarding claim 6, Jiang et al. further teach the apparatus wherein the intelligent network platform plays the ringback tone at the calling communication device between receipt of the call from the calling communication device and answer of the call by the called communication device (see [0027]).

Regarding claim 7, Jiang et al. further teach the apparatus wherein the one or more of the one or more intelligent network platforms that allow a user of the called communication device to preselect the ringback tone allow the user to customize the ringback tone for the call from the calling communication device (see [0018]).

Regarding claims 8, and 9, Jiang et al. further teach the apparatus wherein the call from the calling communication device comprises a first call from a first calling communication device, wherein the ringback tone comprises a first ringback tone; wherein the one or more of the one or more intelligent network platforms that allow a user of the called communication device to preselect the first ringback tone allow the user to customize a second ringback tone for a

second call to be played to a second calling communication device; wherein the second ringback tone is different than the first ringback tone (see [0026]).

Regarding claims 10-12, 16, 17, 23, 24 see Fig. 4.

Regarding claims 14, see [0097] & [0101].

Regarding claim 15, see [0102].

Regarding claims 19, 21, 28-35, 38, 39, see [0035].

Regarding claim 36, Jiang et al. further teach the apparatus wherein the first and second intelligent network platforms comprises an integrated intelligent network platform (see [0111]).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 3-21, and 23-43 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7490, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is 571-272-7490. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Benny Q. Tieu". The signature is fluid and cursive, with the first name "Benny" being more prominent.

Benny Q. Tieu  
Primary Examiner  
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